

AMENDED IN SENATE JUNE 22, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2088

Introduced by Assembly Member Spitzer

February 17, 2006

An act to amend Section 799 of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 2088, as amended, Spitzer. Crime.

Existing law provides that an accessory to crime is punishable by a fine not exceeding \$5,000, imprisonment in a county jail not exceeding one year, or by imprisonment in the state prison for 16 months, or 2 or 3 years. Existing law provides that prosecution for an offense punishable by imprisonment in the state prison shall be commenced within 3 years after commission of the offense and that prosecution for an offense not punishable by death or imprisonment in the state prison shall be commenced within one year after commission of the offense.

Existing law provides that prosecution for murder may be commenced at any time.

This bill would provide that prosecution of an accessory to murder may be commenced within the same period of time as is permitted for prosecution for commission of murder *10 years after commission of the offense*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 799 of the Penal Code is amended to
2 read:

3 799. Prosecution for an offense punishable by death or by
4 imprisonment in the state prison for life or for life without the
5 possibility of parole, or for the embezzlement of public money,
6 may be commenced at any time.

7 This section shall apply in any case in which the defendant was
8 a minor at the time of the commission of the offense and the
9 prosecuting attorney could have petitioned the court for a fitness
10 hearing pursuant to Section 707 of the Welfare and Institutions
11 Code.

12 Notwithstanding Sections 801 and 802, ~~this section shall also~~
13 ~~apply to the~~ prosecution of an accessory to murder *shall be*
14 *commenced within 10 years after commission of the offense.*